

STATE OF SOUTH CAROLINA

(Caption of Case)

IN THE MATTER OF:

Wyboo Plantation Utilities, Inc.'s Application for
Extension of Service Area

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2007 - 135 - WS

(Please type or print)

Submitted by: T. Lowndes Pope, Esq.

SC Bar Number: 66507

Telephone: 803-799-9993

Fax: 803-239-1414

Other: _____

Address: Post Office Box 11412

Columbia, South Carolina 29211

Email: lpope@rplfirm.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☒ Request for item to be placed on Commission's Agenda
expeditiously

☒ Other: MOTION TO BE REVISIT AS COUNSEL

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input checked="" type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input checked="" type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input checked="" type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input checked="" type="checkbox"/> Water/Sewer	<input checked="" type="checkbox"/> Expedited Consideration	<input checked="" type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

Print Form

Reset Form

RILEY POPE & LANEY, LLC
ATTORNEYS AND COUNSELORS AT LAW

2838 DEVINE STREET
POST OFFICE BOX 11412 (29211)
COLUMBIA, SOUTH CAROLINA 29205

TELEPHONE
(803) 799-9993

July 13, 2007

VIA HAND DELIVERY

Public Service Commission of South Carolina
Attn: Docketing Department
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

RECEIVED
JUL 13 PM 4:47
FACSIMILE
(803) 239-1414
PUBLIC SERVICE
COMMISSION

Re: Application of Wyboo Plantation Utilities, Inc., for Expansion of Service Territory
Docket # 2007-135-W/S

Motion to Be Relieved As Counsel for Wyboo Plantation Utilities, Inc.

Dear Sir or Madam:

Please find attached this law firm's Motion to Be Relieved as Counsel in the above-referenced matter. We respectfully submit that the attached Motion shows good cause as to why this law firm should be removed as counsel.

Thank you for kind consideration of this Motion. Please note that deadlines for filing pre-Hearing testimony is scheduled for July 17, 2007. We would request a postponement of this deadline for Wyboo.

Sincerely,

T. Lowndes Pope

TLP/sbd

cc: C. Dukes Scott, Executive Director
Florence B. Belser
Wendy Cartledge
Mark Wrigley

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

Docket No.: 2007-135-WS

RECEIVED
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COMMISSION

IN THE MATTER OF:)

Wyboo Plantation Utilities, Inc.'s)
Application for Extension of Service Area)

MOTION TO BE RELEIVED
AS COUNSEL

T. Lowndes Pope and Riley Pope & Laney, LLC (collectively "Riley Pope & Laney") hereby move for the Public Service Commission of South Carolina ("Commission) to issue an Order relieving Riley Pope & Laney as counsel for Wyboo Plantation Utilities, Inc. ("WPU" or "Wyboo") in the above-referenced docket, pursuant to South Carolina Appellate Court Rule 407, Rules of Professional Conduct, and in particular Rule 1.16 under Rule 407 entitled "Declining or Terminating Representation." Rule 1.16(b)(7) reads as follows, "a lawyer may withdraw from representing a client if:...(7)other good cause for withdrawal exists."

Wyboo engaged Riley Pope & Laney only to assist Wyboo in obtaining Commission approval for the expansion of Wyboo's service territory. From the beginning and at all times thereafter, Riley Pope & Laney clearly was not hired to represent or take part in any other representation of Wyboo before the Commission. Therefore, Riley Pope & Laney has obtained no knowledge of any other outstanding legal issue Wyboo has before the Commission and does not intend to become versed in such other issues. Riley Pope & Laney strictly limited its representation of Wyboo to assist in the administrative application of Wyboo's service territory. Riley Pope & Laney only knows that Wyboo has other pending legal issues in Commission Docket No. 2005-13-WS and Docket No. 2006-327-WS but no specific knowledge.

In response to Wyboo's Motion to Cancel the Hearing on its application in Docket No. 2007-13-WS, the Commission denied Wyboo's motion because the Commission has concerns about Wyboo's previous filings and actions before the Commission. The Commission's Directive in this action, issued in response to denying Wyboo's Motion to cancel the Hearing, specifically states, "Moreover, allegations that Wyboo is violating Commission Orders remain unresolved and must be addressed in conjunction with the request to expand its territory." Therefore, Riley Pope & Laney now finds it impossible to separate its representation of Wyboo for the sole purpose of the application for expansion in this action and the issues raised In Docket Nos. 2005-13-WS and 2006-327-WS.

As Riley Pope & Laney has no knowledge of these other issues of concern to the Commission, Riley Pope & Laney maintains that its agreement to limited representation of Wyboo is impossible to maintain and that good cause exists for it to be relieved as counsel. Clearly, it is not in Wyboo's best interest to have counsel such as Riley Pope & Laney represent it without a full and comprehensive understanding of all affairs under this current situation.

Counsel has given reasonable warning to Wyboo that it intends to withdraw as counsel for Wyboo.

Counsel is therefore informed and believes that it is entitled to an Order immediately relieving Riley Pope & Laney as counsel for Wyboo.

Upon grant of this Motion, all pleadings and correspondence in this docket should be hereby directed to Wyboo at the address below:

Wyboo Plantation Utilities, Inc.
Mark S. Wrigley
President
P.O. Box 2099
Sumter, SC 29151
(803) 774-2010

WHEREFORE, for the reasons set above, T. Lowndes Pope and Riley Pope & Laney move this honorable Commission for an Order:

- a) Relieving T. Lowndes Pope and Riley Pope & Laney as counsel for Wyboo in this proceeding;
- b) Notifying the parties that Wyboo should be served at the address set forth above; and
- c) For such other relief as is just and proper.

RILEY POPE & LANEY, LLC

By: 

T. Lowndes Pope
P.O. Box 11412
Columbia, SC 29211
lpope@rplfirm.com

July 13, 2007

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

Docket No.: 2007- 135 - WS

IN THE MATTER OF:

Wyboo Plantation Utilities, Inc.'s
Application for Extension of Service
Area

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CERTIFICATE OF SERVICE

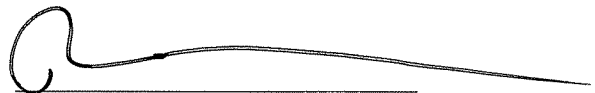
This is to certify that I, T. Lowndes Pope, of the law firm of Riley Pope & Laney, LLC, have this day caused to be served upon the person named below the foregoing Motion To Be Relieved As Counsel in the above captioned matter by placing a copy of same in the United States mail, addressed as follows:

C. Dukes Scott
Executive Director
Office of Regulatory Staff
1441 Main Street, Suite 300
Columbia, South Carolina 29201

Florence B. Belser
Office of Regulatory Staff
1441 Main Street, Suite 300
Columbia, South Carolina 29201

Wendy Cartledge
Office of Regulatory Staff
1441 Main Street, Suite 300
Columbia, South Carolina 29201

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COMMISSION



T. Lowndes Pope

April 12, 2007